

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.A.No.227 of 2020
and Crl.M.P.No.4867 of 2020

1. Gurumurthy

2.Mathanraj

3.Deepakkumar

4.Thirumurugan

5.Kathirvel

6.Dhanush

7.Ramakrishnan

8.Muthuvel .. Appellants/Accused 1to8

Vs.

1.State by Deputy Superintendent of Police,
Mettur, Salem District.

2.State represented by
The Inspector of Police,
Kolathur Police Station,
Mettur, Salem District.

.. Respondent 3/Complainant

3.Selvam

..Respondent/de facto complainant

Criminal Appeal filed under Section 14A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity "the SC/ST Act") to set aside the order dated 24.04.2020 passed in Crl.M.P.No.1063 of 2020 on the file of the Principal Sessions Court, Salem and to enlarge the appellant on bail in Crime.No.49 of 2020 on the file of the first respondent.

Prayer in Crl.Mp.No.4867/2020 : This Criminal Miscellaneous Petition filed under Section 14-A(2) of the Schedule Cases and the Schedule Tribes (Prevention of Atrocities) Act r/w.482 Criminal Procedure Code praying to relax the Condition" the Petitionr report before the Monday and Friday at 10.30. a.m until further Order" imposed in Crl.A.No.227 of 2020 dated

For Appellants : Mr.J.Ranjith Kumar

For R1 : Mr.K.Madhan
Govt. Advocate (Crl. Side)

JUDGMENT

This case is taken up through video conferencing.

2. This criminal appeal is filed to set aside the order dated 24.04.2020 passed in Crl.M.P.No.1063 of 2020 on the file of the Principal Sessions Court, Salem and to enlarge the appellant on bail in Crime.No.49 of 2020 on the file of the first respondent.

3. On the complaint lodged by Selvam, the police registered a case in Crime No.49 of 2020 on 10.03.2020 for the offences under Sections 341, 363, 365, 323, 342, 379 and 506 (II) IPC and Section 3(1)(r), 3(1)(s) and 3(2)(v) of the SC/ST Act, against unidentified persons.

4. The case of the complainant is that, he is a dalit and was in love Ilamathi and got married to her on 09.03.2020; while so, some unidentified persons assaulted him and forcibly took away Ilamathi from his house.

5. It appears that the police have already registered a case in Crime No.48 of 2020 against twenty persons in connection with another incident and during the course of investigation in that case, it came to the knowledge of the police that the appellants herein were involved in Crime No.49 of 2020. Since the appellants were already arrested in Crime No.48 of 2020, they were produced under P.T. warrant before the Principal Sessions Court, Salem and was formally placed in judicial custody on 18.03.2020 in Crime No.49 of 2020.

6. The appellants filed Crl.M.P.No.1063 of 2020 in Crime No.49 of 2020 before the Principal Sessions Court, Salem, for bail, which was dismissed on 24.04.2020, aggrieved by which, the appellants have preferred the present appeal.

7. Heard Mr.J.Ranjith Kumar, learned counsel for the petitioner and Mr.K.Madhan, learned Government Advocate (Crl.Side) for the first respondent/State. The learned Government Advocate (Crl.Side) for the first respondent submitted that the de facto complainant has been informed about the present appeal. The learned counsel for the appellants has also filed affidavit of service.

8. It is seen that the appellants were released on interim bail by this Court on 12.06.2020 on certain conditions. It is also seen that Ilamathi, the alleged victim

girl, was examined by the Principal Sessions Judge, Salem, in CrI.M.P.No.1063 of 2020 in Crime No.49 of 2020 on 16.03.2020, wherein, she has submitted her 10th mark sheet to show that she is not a minor; she further stated that she was not abducted by any one as alleged in the complaint and she is living with her parents. Further, it is seen that the investigation in this case has been completed and final report was filed on 06.07.2020, but the same has been returned by the trial Court for certain defects on 14.07.2020.

9. Taking into consideration the aforesaid facts, this Court is of the view that interests of justice will be served if the interim bail that was granted by this Court on 12.06.2020 is made absolute.

10. Accordingly, the present appeal is allowed by setting aside the order dated 24.04.2020 passed in CrI.M.P.No.1063 of 2020 on the file of the Principal Sessions Court, Salem and the appellant is ordered to be released on bail on the following conditions:

- (i) the appellant shall surrender before the Principal Sessions Court, Salem, within a period of two weeks from the date of receipt of a copy of this Court and execute a bond for a sum of Rs.10,000/- with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Principal Sessions Court, Salem;
- (ii) the appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Principal Sessions Judge, Salem, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- (iii) the appellant shall report before the) respondent/police as and when required;
- (iv) on breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];
- (v) if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC; and

(vi) if the appellant does not comply with the condition (i) above, the Principal Sessions Judge, Salem, may take him into custody.
Connected CrI.M.P. is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

nsd

To

1. The Principal Sessions Judge,
Salem.
2. The Learned Judicial Magistrate I,
Mettur.
3. The Deputy Superintendent of Police,
Mettur, Salem District.
4. The Inspector of Police,
Kolathur Police Station,
Mettur, Salem District.
5. The Superintendent of Police,
Mettur, Salem District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

CrI.A.No.227 of 2020

VS (CO)
GMY (18/09/2020)

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